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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,575	02/07/2001	Kirk W. Lilly	1001	4186

7590 12/15/2003

John D. Lister  
3841 East Diamond Ave.  
Mesa, AZ 85206-1836

EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/778,575

**Applicant(s)**

LILLY, KIRK W.

**Examiner**

LEE NGUYEN

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: .  |

**DETAILED ACTION**

***Information Disclosure Statement***

1. The IDS filed 2/7/2001 has been considered and recorded in the file.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al. (US 2001/0041945) in view of Rombom et al. (US 6,104,292).

Regarding claim 1, Lo teaches an audio system/cup assembly (fig. 1), comprising: a cup member 10 for holding a beverage; the cup member having an exterior diameter 11; the cup member having a bottom wall 12; the cup member having a first tubular sidewall 11 extending upward from the bottom wall; and a first removable audio base member 15. Lo fails to teach that the cup member having a second tubular sidewall extending downward from the bottom wall; the inner surface of the second tubular

sidewall being threaded to form a threaded opening in the underside of the cup member for securing a first removable base member to the cup member; and the first removable base member having an upper portion and a lower portion; the upper portion having a threaded cylindrical exterior surface that threads into the threaded opening in the underside of the cup member to secure the audio system base member to the cup member.

However, Lo mentions that the cup member 11 and the removable audio base member 15 are joined together using different suitable attachment means, including using mating screw threads (see [0024]). In an analogous art, Rombom teaches that a removable audio base member 11 (fig. 1) can be mated with a baby bottle B using the base member's external thread 12 and the baby bottle adapter's internal thread 14 (col. 4, lines 35-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rombom to the cup assembly of Lo as a desired choice as suggested by both Lo [0024] and Rombom (col. 4, lines 53-55).

Regarding claim 2, Lo as modified also teaches that the base member 15 also houses a battery 17 and audio system components 16, 18. Lo fails to teach the housing arrangement as claimed. However, shifting or

arranging components in different positions is held that it is not critical to the claimed invention and considered obvious to one having skill in the art. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to arrange the components in the audio system of Lo in different positions including the arrangement as claimed as required by the sizes and shapes of the components.

Regarding claim 3, Lo as modified by Rombom also teaches that the lower portion of the audio system base member housing the audio system components has a generally cylindrical exterior sidewall 11 and is greater in exterior diameter than the exterior diameter of the cup member B to stabilize the audio system cup assembly when the audio system cup assembly is placed on a surface (fig. 1 of Rombom).

#### ***Allowable Subject Matter***

4. Claims 4-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, the prior art of record fails to teach the antenna located and having a diameter as claimed.

Regarding claim 9, the prior art of record fails to teach that the threaded upper portion of the audio system base member mates with the threaded interior surface of the threaded opening in the underside of the cup member to locate the audio system controls toward a person holding the audio system cup assembly in his/her right hand when the audio system base member is fully threaded into the threaded opening in the underside of the cup member.

Regarding claim 10, the prior art of record fails to teach that the threaded upper portion of the audio system base member mates with the threaded interior surface of the threaded opening in the underside of the cup member to locate the audio system controls toward and the speaker facing away from a person holding the audio system/cup assembly in his/her right hand when the audio system base member is fully threaded into the threaded opening in the underside of the cup member.

Regarding claim 13, the prior art fails to teach that the threaded upper portion of the audio system base member mates with the threaded interior surface of the threaded opening in the underside of the cup member to locate the audio system controls toward a person holding the audio system/cup assembly in his/her left hand when the audio system base

member is fully threaded into the threaded opening in the underside of the cup member.

Regarding claim 14, the prior art of record fails to teach that the threaded upper portion of the audio system base member mates with the threaded interior surface of the threaded opening in the underside of the cup member to locate the audio system controls toward and the speaker facing away from a person holding the audio system/cup assembly in his/her left hand when the audio system base member is fully threaded into the threaded opening in the underside of the cup member.

Regarding claim 17, the prior art of record fails to teach a second removable base member to be substituted for the audio system base member for use in holding the audio system/cup assembly in a vehicle cup holder smaller in diameter than the exterior diameter of the cup member; the second removable base member having an upper portion with a threaded cylindrical exterior surface that threads into the threaded opening in the underside of the cup member to secure the second removable base member to the cup member and a lower portion, with a cylindrical exterior surface having a diameter less than the exterior diameter of the cup member, to be inserted in a vehicle cup holder.

Regarding claim 18, the claim is allowable for the same reason as set forth in claim 9.

Regarding claim 19, the claim is allowable for the same reason as set forth in claim 13.

Regarding claim 20, the claim is allowable for the same reason as set forth in claim 10.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,070,539 teaches beverage holder with a handle (fig. 1).

US Patent 6,140,932 teaches drinking container with handle (fig. 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739.




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The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

 12/7/03  
LEE NGUYEN  
Primary Examiner  
Art Unit 2682